



NORTH CAROLINA

State Board of Elections & Ethics Enforcement

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01/23/2018

Re: Case Number: 2016-141
Patriots for Progress IE PAC
Possible Absentee Ballot Fraud – 11/08/2016 General Election;

Case Number: 2016-142
Bladen County Improvement Association PAC
Possible Absentee Ballot Fraud – 11/08/2016 General Election;

Case Number: 2016 – 166
November 2016 General Election Protests;
Voter Fraud Allegations/Possible False Statements to Affect Election Outcome – 11/08/2016
General Election;

The above cited cases are related investigations originating in Bladen County, North Carolina opened by the North Carolina State Board of Elections (NCSBE) in November of 2016. [The State Board has since merged with the North Carolina Ethics Commission and is now known as the State Board of Elections and Ethics Enforcement.] To date, the Investigations Division of the NCSBE has conducted numerous interviews of persons involved, including voters, and has reviewed documents associated with the alleged violations. Because the 2016 General Election was a Federal Election, and because of the seriousness of the alleged conduct associated with possible manipulation or attempts to manipulate election results in Bladen County and elsewhere, these matters merit referral for prosecutorial review and possible criminal prosecution. Additionally, in as much as there are possible federal violations of law, a decision was made by the State Board on December 3, 2016, to refer these matters to the United States Attorney's Office for review. To assist federal and state prosecutors in assessing the need for additional investigation or any other action deemed appropriate, below is a summary of each investigation:

PATRIOTS FOR PROGRESS IE PAC:

In October and November of 2016, the Bladen County Board of Elections (BOE) received three separate complaints from voters, which alleged possible fraud involving the handling of absentee ballots in Bladen County. Those complaints are hereafter described as the "Linda Baldwin complaint", the "Brenda Register complaint", and the "Heather Register complaint." [Note: Brenda and Heather Register are not related, nor is their complaint related.] Those complaints were ultimately referred to the NCSBE Investigations Division.

The NCSBE investigation of the above complaints began with interviews of the above complainants. The interviews led to information strongly suggesting that Leslie McCrae Dowless, Jr. (aka "McCrae Dowless"), who is associated with the Patriots for Progress IE PAC, and who is the recently elected candidate for Soil and Water Conservation District Supervisor in Bladen County, was paying certain individuals to solicit absentee request forms and to collect absentee ballots from Bladen County voters. In doing so, workers employed by Dowless were required to hand-carry the ballots to Dowless in

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order to be paid. Dowless allegedly instructed his workers to “push” votes for certain candidates while meeting with voters. **[Possession of an absentee ballot for delivery to a voter or for return to a county board of elections by anyone other than the voter, the voter’s near relative, or the voter’s verifiable legal guardian is a Class I Felony under NCGS 163-226.3(a)(6).]**

The individuals who approached Linda Baldwin, Brenda Register, and Heather Register, were identified through interviews and document review as Caitlyn Croom and Matthew Matthis. The investigation has developed information suggesting that Dowless attempted to obstruct the ensuing NCSBE investigation into the voter’s complaints by warning Matthis and Croom that investigators were attempting to locate them in association with Baldwin’s complaint, and coaching them as to what they should say if contacted. Dowless is suspected of having made a telephone call to warn Matthis and Croom of the State Board investigation after Dowless was contacted by State Board investigators on October 24, 2016.

In an interview on November 16, 2016, Matthis and Croom initially attempted to conceal the true nature of their work for Dowless. After being confronted, they stated that they knew that State Board investigators had contacted Dowless, because he called to warn them. They advised that when they were hired, Dowless told them that he would only pay ½ of what they earned when they brought the absentee ballot request forms to him, and would not pay the remainder until after they collected and provided Dowless with the voter’s ballots as proof that the person had voted. Dowless instructed them to avoid areas where mostly minority voters resided and he provided a sample ballot with marks indicating candidates he wanted them to promote. Much of the information obtained from Matthis and Croom has been corroborated through documents and interviews of others.

The Baldwin complaint, dated October 4, 2016, described a situation where a male individual initially identified by Baldwin as “Josh” appeared at Baldwin’s residence on September 24, 2016, to encourage her, her two adult sons, and her daughter to fill out an absentee ballot request form. [Baldwin’s daughter was not registered in NC and ultimately no ABS ballot was issued to her.] “Josh” told Baldwin that he was being paid to collect absentee request forms and that he would be paid \$120.00 each time he collected 14 or 15 request forms. “Josh” informed Baldwin that when the ballots arrived by mail at her house, and she completed them, he would return to pick them up to take and show his “boss” so that he could get paid. Baldwin agreed to do so, but insisted that “Josh” return the ballots to her so she could mail them in herself. She also recalled that “Josh” pointed to a specific candidate on the ballot that he wanted her to vote for. When “Josh” failed to return with her ballots as quickly as she expected, she contacted the Bladen County BOE to ask that any ballots received with her or her sons’ names be invalidated. She followed up with a written complaint to the BOE, dated October 4, 2016. [Baldwin later identified “Josh” as Matthew Matthis. Baldwin, who is a former educator, used the name “Josh” in her complaint to protect Matthis who she knew of as a student from her school.]

The Brenda Register complaint alleged that on October 17, 2016, a “young, Caucasian lady” appeared at her residence and tried to convince her to request an absentee ballot. She stated that the “young lady” represented herself as being employed by the “Bladen County Board of Elections.” Brenda Register declined to request an absentee ballot and she made a verbal and written complaint, dated October 20, 2016, to the Bladen County BOE. [Register was later purportedly able to identify the “young lady” as Caitlyn Croom from a Facebook posting.]

On October 24, 2016, NCSBE Investigator Marshall Tutor received a call from Horace Munn, President of the Bladen County Improvement Association PAC, during which Munn informed Tutor of the above two complaints received by the Bladen County BOE. Munn expressed concern that the complaints were not being addressed in a timely fashion by the county BOE. He requested that the NCSBE conduct its own investigation. Contact by Investigator Tutor with Cynthia Shaw, Director, Bladen County BOE on October 24, 2016, resulted in information that the ballot request forms associated with the Baldwins had the initials “CC” handwritten in the top right corner. Shaw advised that “CC”

corresponded with the initials of one Caitlyn Croom, who was purportedly working for McRae Dowless, candidate for Soil and Water Conservation District Supervisor and who also served as the President of Patriots for Progress until March 21, 2016. On October 24, 2016, a telephone call was placed to McCrae Dowless by NCSBE Investigator Marshall Tutor and Chief Investigator Joan Fleming. Dowless advised that he did not know any "Josh." He admitted that Caitlyn Croom had worked for him in the past but did not work for him at the time of the call. He stated he would need to look for a contact number for Croom and would get back to the investigators. Over the next two days, Dowless contacted Investigator Tutor twice to advise he was still looking for Croom's number, which he never furnished. In a subsequent interview of Croom and Matthis, on November 16, 2016, they advised that after Dowless received the above referenced call from NCSBE investigators, Dowless called them on their cellphone, which they share (telephone number 910-990-2495), to warn them that there was an investigation and coached them as to what they should say if contacted by investigators with the State Board. (Dowless allegedly called Croom and Matthis from his cellphone number 910-885-1121.)

The Heather Register complaint was received via an email from Heather Register to the Bladen County BOE on November 9, 2016. [It was later followed by a formal affidavit from Ms. Register, dated November 18, 2016.] In her email, Heather Register described circumstances in which Caitlyn Croom and her boyfriend, Matthew Matthis appeared at the Register residence on September 22, 2016, to encourage Heather and Timothy Register (husband and wife) to request absentee ballots. Croom and Matthis were known to the Registers because Croom had previously dated their son, Michael Register. Croom and Matthis informed the Registers that they were being paid to secure a certain number of absentee request forms from voters. Croom and Matthis did not disclose the identity of the payer to the Registers. The Registers never received or voted their ballots. When Heather Register attempted to vote in person on Election Day, she was informed that she had "already voted." In an interview on November 16, 2016, Matthis and Croom admitted that they obtained the ballots of the Registers and their son and delivered them to Dowless, along with other ballots, to get paid. They stated that they signed Heather and Timothy Register's ballots but did not mark a vote in any of the contests (which has been verified by the investigation), under the belief that the Registers could still vote if their absentee ballots were blank. They stated their motivation for doing so was to include those ballots with others that they delivered to Dowless so that he would pay them per their agreement. According to Croom and Matthis, they completed Michael Register's request form and ballot with his consent over the telephone. **[Falsely signing an absentee ballot is a violation of NCGS 163-275(4).]**

Matthis and Croom identified other individuals who they believe were also being paid to bring ballots to Dowless. Additionally, a review of absentee ballot request forms revealed other requests where a similar system of initials at the top of the forms may be associated with individuals working for Dowless. Voters associated with request forms assisted by Croom and Matthis, as well as voters associated with other "assisters" possibly employed by Dowless have also been identified for future interviews as needed.

BLADEN COUNTY IMPROVEMENT ASSOCIATION PAC:

During routine processing of mail-in absentee ballots at the Bladen County Board of Elections (BOE) in late October 2016, Brian Hehl, a Bladen County BOE board member, noticed that several of the ballots contained write-in votes for the non-partisan office of Soil and Water Conservation District Supervisor wherein the handwriting for a write-in candidate on multiple ballots appeared similar. Upon closer examination, Mr. Hehl noticed patterns of similar handwriting on the ballot container envelopes associated with the witnesses for those ballots, suggesting that the write-in votes, which were for candidate Franklin Graham, were possibly written by the same four or five witnesses, rather than the voters. Mr. Hehl thereafter relayed his concerns of possible tampering, fraud, or intimidation of voters whose absentee ballots contained the suspicious handwriting, to the Bladen County BOE Director, the other Bladen County BOE board members, and the North Carolina State Board of Elections (NCSBE).

The NCSBE Investigations Division thereafter opened an investigation into the circumstances of the ballot drive and the authenticity of the ballots.

Applicable Election Law Statutes:

North Carolina election statutes specify procedures for voting and transmitting absentee ballots [NCGS 163-231], as well as who, and under what circumstances a person can assist a voter by marking their absentee ballot [NCGS 163-226.3].

NCGS 163-226.3 “certain acts declared felonies” states (in part) it is a Class I felony “for any person except the voter’s near relative or the voter’s verifiable legal guardian to assist the voter to vote an absentee ballot when the voter is voting an absentee ballot other than under the procedure described in G.S. 163-227.2; provided that if there is not a near relative or legal guardian available to assist the voter, the voter may request some other person to give assistance.”

The absentee ballot container-return envelope contains a space under the voter’s certification signature line that is specifically designated for an individual who provides voter assistance to sign, thereby certifying that they assisted the voter in marking their ballot [NCGS 163-229(b)(4)].

The **“Certification of Person Assisting Voter”** on the “Absentee Application and Certificate” reads as follows:

“I certify that I assisted the voter in marking his or her ballot according to his or her instruction and/or I assisted the voter in signing this certificate because the voter is unable to complete and/or sign this certification.”

The absentee ballot container-return envelope also contains a space specifically designated for two qualified witnesses to sign certifying that the voter marked or caused the ballot to be marked “in his/her presence according to his/her instruction, and signed the absentee application and certificate” [NCGS 163-229(3)].

The **“Witnesses’ Certification”** on the “Absentee Application and Certificate” reads as follows:

“I certify that I am at least 18 years of age and am not disqualified by G.S. 163-226.3(a)(4) or G.S. 163-237(b1) to assist this voter in marking or witnessing the casting of his/her absentee ballot, and in my presence, the voter marked the enclosed ballot, or caused it to be marked in his/her presence according to his/her instruction, and signed this absentee application and certificate.”

The rules and standards for counting official ballots are set forth in NCGS 163-182.1.

State Board Investigation of the BCIA write-in campaign:

There were approximately 234 write-in mail-in ABS ballots received by the Bladen County BOE for Franklin Graham at the time the irregularity was reported to the State Board. The Bladen County BOE advised that the witness names on the ballots were individuals believed to be associated with voter drive efforts for the Bladen County Improvement Association PAC (BCIA). The witness names appearing with the most frequency on the absentee ballot container-return envelopes were: Deborah Monroe, Lola Wooten, Barbara Cogdell, Mary Johnson, Bridgette Keaton, Keana Keaton, and Arthur Owens.

An examination of the absentee ballot container-return envelopes and the corresponding ballots confirmed a notable pattern of similarities in the handwriting on the ballots for write-in candidate Franklin Graham compared to the handwriting of witnesses whose printing appeared in the witness section on the ballot container-return envelopes. However, the investigation determined that no complaints were received at the Bladen County BOE or the NCSBE from any voters assisted by workers believed to be associated with the BCIA. As stated above, the investigation of the questioned

ballots was initiated based upon possible irregularities observed by a Bladen County BOE board member.

Workers associated with the BCIA who were located and interviewed by State Board investigators admitted that they printed the name of write-in candidate Franklin Graham on the ballots for voters they were assisting as witnesses. None of the witnesses who assisted with the write-in votes were found to have signed the above referenced assistance certification on the ballot container envelope. The witnesses cited reasons such as advanced age, poor handwriting, poor spelling, voter convenience, as explanations as to why they wrote the candidate's name on the ballot for the voter. The witnesses indicated that they assisted with the voter's consent and wrote the write-in candidate's name per the wishes of the voter. One of the witnesses stressed that in doing so they did not "fill in the bubble" next to the write-in candidate's name, leaving that for the voter to do. Another witness stated that they understood the assistance certification to be used for assistance to voters who were incapacitated, and were unable to mark their entire ballot. None of the witnesses who were interviewed appeared to have an understanding that by writing the write-in candidate's name on the voter's ballot, they were "assisting" the voter in marking their ballot, and therefore were required to sign the assistance certification on the ballot container-return envelope. Additional interviews of ballot witnesses were suspended based upon notification by one of the ballot witnesses to State Board investigators that the BCIA had engaged Attorney Irving Joyner to represent the organizations and its' workers. A telephone call made to Attorney Joyner confirmed that representation.

Six voters who were assisted by the above witnesses were located and interviewed. No evidence was found to indicate the voters were coerced or intimidated by the witnesses into allowing the witness to assist with their write-in vote. The voters who were interviewed identified the signature on the "Voter's Certification" as their own signature, and comparisons to known signatures on previous voting documents appeared identical. Some of the voters stated they knew the witnesses and trusted them to "help" them vote their candidate choices by making suggestions and by promoting certain candidates. One voter stated she did not know who Franklin Graham was, but nevertheless was satisfied with the recommendation of Graham by the witnesses. Some of the voters stated they were unsure as to who filled in the circle next to Graham's name. Those same voters indicated that regardless, they (the voter) controlled the decision as to their choices and voted and signed their own ballot. None of the voters indicated that anyone marked the other contests on their ballot. Two of the voters denied that the witnesses were ever present with them when they voted. They had no logical explanation as to how the witnesses were able to sign their ballots and, overall, their statements concerning the circumstances of their vote were of questionable credibility. Additional interviews were attempted prior to the State Board hearing on December 3, 2016 with negative results. Business cards left at various residences by investigators did not generate a response from those individuals.

State Board Hearing re BCIA:

On December 3, 2016, the State Board of Elections convened for a probable cause hearing associated with an election protest submitted to the Bladen County BOE by candidate Leslie McCrae Dowless, Jr., who ran and won his contest in the November 8, 2016 General Election for Soil and Water District Supervisor in Bladen County. At the outset of the hearing, the State Board moved that probable cause was already established and the board unanimously agreed to a full hearing of the facts. The substance of the protest was that evidence existed to suggest the possibility of fraud associated with a large number of mail-in absentee ballots submitted to the Bladen County BOE in the November 8, 2016 General Election. Specifically, the protest alleged that persons working as paid volunteers for the BCIA on a "get-out-the-vote" ("GOTV") absentee ballot voter drive effort, and who served as witnesses to several ballots, possibly voted the ballots for the voter and/or failed to properly certify assistance given to the voter in marking their ballots. The protest concluded that the affected ballots were irreparably "flawed" and should be entirely discounted in that the voter's intent could not be determined. Attorneys representing the opposition to the protest acknowledged the possibility that improper

assistance may have been provided, in that the assisters failed to sign the assistance certification, but argued that if that was required, the failure to do so did not necessarily show illegal intent and, in any case, would not be sufficient reason to discount the voter's intent as reflected in their ballot under NCGS 163-182.1.

After considering the legal arguments from attorneys representing both sides, as well as witness testimony, the State Board voted to dismiss the Dowless protest under 163-182.10(d)(2)(c). In doing so, the board found that while improper assistance may have been provided by the individuals who wrote the write-in candidate's name on the ballot without signing the assistance certification, there was insufficient evidence to disqualify the affected ballots under 163-182.1(2). Because of the irregularities exposed in Bladen County, and because the 2016 General Election also involved a federal election, the State Board voted to make information concerning the November 8, 2016 General Election in Bladen County available to the United States Attorney's Office, EDNC, for review.

NOVEMBER 2016 GENERAL ELECTION PROTESTS:

After the November 8, 2016 General Election, preliminary results were showing that Gubernatorial candidate Roy Cooper had a slim margin of votes over candidate Patrick McCrory and that Cooper had possibly won the election. Within days of the election, McCrae Dowless filed an election protest, as referenced above, in Bladen County, which questioned the validity of write-in votes for opposing Soil and Water candidate Franklin Graham. Dowless did so although he had won his contest by a wide margin.

Dowless appeared before the NCSBE Board on December 3, 2016, regarding his protest, which was remanded to the State Board. Dowless, who was under oath when he made his appearance, admitted that he did not author the protest and that he had no personal knowledge of many of the facts presented in his protest. He identified the person who prepared the protest as attorney "Steve Roberts." His protest accused the Bladen County Improvement Association (BCIA) of conducting a "massive scheme to run an absentee ballot mill involving hundreds of ballots, perpetrated by and through the Bladen County Improvement Association PAC", and it sought to have those ballots disqualified. Dowless' protest went on to state:

"These are not simply helpful individuals who have attempted to assist a large swath of Bladen County's voters to cast their ballots. This is the shocking evidence resulting from a blatant scheme to try to impact the voting results of an entire county. This is clear from the fact that only a very few of the voter assistance sections of these mailed-in absentee ballots have been completed, despite being completed by just a few individuals."

Dowless stated under oath that although he was the winner of the Soil and Water race, he felt compelled to submit his protest because he became aware that there were a "high volume of write-in votes" which he believed merited an investigation. Dowless stated that on or about November 10, 2016, he had a conversation about the "volume of write-in ballots" with Bladen County Republican Party Chairman Landon Bordeaux, who asked Dowless if he would be willing to submit a protest to the Bladen County BOE. According to Dowless, Bordeaux told Dowless, "I'm going to make a call, and somebody will be giving you a call." Dowless was thereafter put in contact with Attorney Steve Roberts of Holtzman, Vogel, Josefiak, Torchinsky PLLC.

Examination of Dowless' protest document and attachments showed an extremely curious attachment, which was the affidavit that Heather Register submitted to the Bladen County BOE on November 18, 2016. In it, Heather Register described how Croom and Matthis had solicited her and her husband to vote absentee, and that Croom and Matthis told the Registers they were being paid by someone to do so. Heather Register stated she and her husband never received their ballots and she was told she had already voted when she tried to vote on Election Day. Since Croom and Matthis clearly

worked for Dowless, it made no sense that Dowless would attach the Register complaint to his protest. The effect was that the protest was falsely attributing the circumstances of the Register incident to persons associated with the BCIA. Attorney Roger Knight, who represented Dowless, referenced the details of the Heather Register complaint in making an argument before the State Board that the ballots of approximately 400 Bladen county voters should be discounted because the true intent of the voter was impossible to discern. In his opening remarks at the State Board hearing (see transcript), Knight referenced the Register complaint as further evidence of the “scheme or plan” associated with GOTV (get-out-the-vote) efforts by the BCIA. Knight further referenced the Linda Baldwin complaint as another example, stating: “there is another affidavit from a Ms. Baldwin that’s amended to or attached to the Register complaint, and which we would like to incorporate by reference, which states that individuals came to her door, asked her to fill out a request for an absentee ballot, and saying that if she would do so, they would – they, meaning the people that came to the door, would be paid. ...And I also note – and in the Heather Register affidavit, Ms. Register in her affidavit says that the absentee ballots that she requested never came to her, and that when she went on Election Day to vote, she was told that she had already voted by absentee ballot and so had her family members, which she denies doing.”

Throughout the above statement, Dowless was present and could hear the evidence that his attorney was presenting to the State Board on his behalf. Nothing was said by Dowless to his attorney or the State Board to correct the description that was inaccurately attributing the Baldwin and Register illegal conduct to the BCIA when Dowless knew full well that the Baldwin and Register complaints described actions of Matthis and Croom, persons who were working for Dowless.

In his testimony before the NCSBE Board on December 3, 2016, Dowless denied requiring his campaign workers to accumulate any quota of request forms and specifically denied requiring his workers to bring any absentee ballots to him, stating, “No ballots come (sic) to me.” Dowless first denied that he ever spoke with Croom after he was contacted by NCSBE investigators, and then changed his testimony to state that he did speak with Croom and she told him that “Ms. Fleming had called her.” [Investigator Fleming had no telephone number to call Croom or any contact with Croom at the time that Dowless was first contacted by NCSBE investigators, October 24, 2016. No contact with Croom was established until 11/16/2016 when Croom and Matthis were interviewed for the first time.] When asked if he knew Matthew Matthis, Dowless responded, “I know of him, yes sir.” The investigation has established that Croom and Matthis reside together, and share a cellphone and a vehicle, facts that Dowless was likely aware of based upon the circumstances of his contact with them.

On December 3, 2016, the State Board voted to dismiss Dowless’ protest (see description of BCIA investigation) for reasons unrelated to any potential perjury by Dowless.

Dowless has a previous state felony conviction for insurance fraud and perjury in Bladen County, NC, along with numerous misdemeanor worthless check and traffic violations. **[Under NCGS 163-275(4) it is a felony violation for any person to swear falsely with regard to any matter pertaining to any primary or election.]**

Investigation has determined that during the same time period that the Dowless protest was submitted, Steve Roberts and other attorneys and/or associates from Holtzman, Vogel, Josefiak, Torchinsky PLLC contacted and recruited additional registered North Carolina voters from numerous counties in North Carolina for the purpose of asking them to sign protests alleging voter fraud and/or alleging knowledge of the operation of suspected absentee ballot mills. Evidence and interviews conducted to date, show a pattern of the voters solicited as “protestors” being provided with pre-printed protest forms containing the names of voters who allegedly had committed voter fraud as double voters or as convicted felons who had voted, as well as other accusations. The protest forms followed a standardized format of twelve questions to be answered by the protestor, including asking about the nature of the evidence, the persons knowledgeable about the evidence, and the factual basis for believing that the allegations were “sufficient to cast doubt upon the results of the election.” The

information contained in these protests was presented as if it represented facts known to the person who had signed the protest. In reality, the signers had not conducted their own research regarding the voters, did not know how the facts were established or how voter's names were chosen, and had no documentation or evidence to back up their claims of voter fraud. Rather the protestors appear to have been used as a "proxy" to allege violations based upon evidence of unknown origin, most of which was never presented at the hearings.

Interviews have determined that protestors selected by the attorneys were promised that they would be provided with evidence to present at the protest hearing at their local county BOE, and were led to believe that the attorneys would assist them and/or be physically present at the hearing(s). The protest forms were typically electronically transmitted from the law firm in Virginia, to the selected protestors in North Carolina via email and/or facsimile. The protestors were asked to sign and electronically transmit their signed protest forms back to the law firm. The law firm would thereafter transmit the protest forms from the law firm in Virginia to the appropriate North Carolina county board of elections on behalf of the protestor which gave the appearance that they represented the protestor. [It is noted, that in Dowless' testimony before the State Board, attorneys representing the McCrory campaign claimed that they also represented Dowless.] Interviews of protestors have revealed that they were not furnished with the evidence they were promised and that despite their efforts to obtain the evidence needed to support their protest, the attorneys failed to respond to their requests and did not appear at the hearings. The county BOEs were nevertheless required to hold hearings and to send notices to the affected voters to appear.

The effort to have numerous ballots disqualified through the above described protests was abruptly abandoned by the attorneys in late November 2016. The accusations of voter fraud against the affected voters were covered in public media reports. Interviews of the voters have established that they felt harmed by the false accusations of voter fraud and were concerned about damage to their reputation in the community. As a result, a civil suit has been filed by some of the victims.

Summary

The facts developed in the above interrelated investigations demonstrate efforts to impact the process by which ballots in a federal and state election were obtained, cast, and counted. Therefore, the results of the investigation to date are being presented for review by appropriate prosecutors. Please contact NCSBE Chief Investigator Joan M. Fleming with any questions or for additional information at 919-814-0750 or joan.fleming@ncsbe.gov.